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| FROM: Brian C. McCormack, Reg. No. 36,601 | DATE: April 16, 2002 |
| PHONE: 214.978.3007 | USER #: 1309 |
| | CLIENT/MATTER #: 39475-00010 |

PLEASE DELIVER AS SOON AS POSSIBLE TO:

| RECIPIENT | COMPANY | FAX NO. | PHONE NO. |
|-------------------------|----------------------------|--------------|--------------|
| 1. Examiner Krista Zele | **FOR EXAMINER ZELE ONLY** | 703/746-5919 | 703/305-4701 |

Total number of pages including this page: 3.

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MESSAGE: ** PLEASE ROUTE TO EXAMINER KRISTA ZELE ONLY **

I am sorry for the confusion and thank you for pointing out the mistake.

Regards,
Brian McCormack

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--|---|---------------------------------|
| In re Application of: | § | |
| Kwok | § | Group Art No. 2661 |
| Serial No.: 09/894,020 | § | |
| | § | Special Projects Examiner: Zele |
| Filed: June 27, 2001 | § | |
| | § | Att'y Docket No. 39475-00010 |
| For: System and Method for Providing High- | § | |
| Speed Communications Access over | § | |
| An Electrical Network | § | |

STATEMENT REGARDING NON-PUBLICATION REQUEST

Special Projects Examiner Krista Zele
Group 2600
United States Patent & Trademark Office
Washington DC 20231

| | |
|---|-----------|
| CERTIFICATE OF TRANSMISSION | |
| I, <u>Christi Pingleton</u> , hereby certify that this correspondence is being facsimile transmitted to the United States Postal Service on the date below to Special Projects Examiner Krista Zele, Group 2600, at facsimile telephone number 703/746-5919 (phone # 703/305-4701). | |
| <u>April 16, 2002</u> | DATE |
| <u>Christi Pingleton</u> | SIGNATURE |

Dear Examiner Zele:

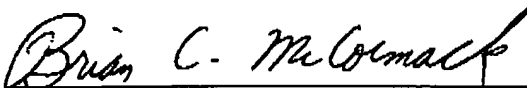
Applicant respectfully submits this Statement Regarding Non-Publication Request. Applicant appreciates the guidance and assistance provided by you and by Customer Service Representative Yvonne Brown.

Our original inquiry arose during our recent review of our file in above matter. From our review, we became aware that the transmittal letter and certificate of mailing submitted with the initial filing included with the original patent application filing indicated that a Request of Non-Publication had been submitted in the matter. Apparently based on these designations on the transmittal and on the certificate of mailing, a Filing Receipt was issued purporting to acknowledge the receipt of a Request for Non-Publication. A careful review of the file, however, revealed that (a) a related PCT application to the present application was

filed on June 21, 2001 (just one week before the filing of the present application), and therefore a Non-Publication Request would not be proper in the present application and (b) the file copies of the application papers filed with the USPTO did not include any Request of Non-Publication, despite the transmittal's and certificate of mailing's reference to same. Teleconferences with Customer Service Representative Yvonne Brown, and Special Projects Examiner Krista Zele confirmed that in fact no Request of Non-Publication was ever filed in the case.

Recognizing that Applicant has never actually filed a Request of Non-Publication, and that it would unnecessary to petition to rescind a Non-Publication Request that had never been made, Examiner Zele requested that Applicant submit this statement. By the signature of Applicant's attorney below, Applicant confirms that on information and belief the references to a Non-Publication Request in the transmittal and on the certificate of mailing were in error, and that Applicant does not desire to request non-publication of the present application. Applicant therefore respectfully requests that a corrected filing receipt be issued (not showing "Request for Non-Publication Acknowledged") and that this application be published as soon as possible in accordance with the applicable USPTO procedures.

Respectfully submitted,



Brian C. McCormack
Registration No. 36,601

April 15, 2002
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